## MINERS' WITNESS ENTANGLED.

PEACE JUSTICE DISGUSTS THE STRIKE COMMISSION.

Reveals That He Was an Active Sympathizer With Rioters-Judge Gray Throws Up His Hands at His Contradictions-Mrs. Morgan at the Hearing.

PHILADELPHIA, Feb. 3.—If the testimony given to-day before the Anthracite Strike Commission by one of the mine workers' star performers can be taken as a measure of trustworthiness for lesser lights the structure they have built up can be considered gossamer in texture. N. T. cKelvy, known in Hazleton as "Squire" McKelvy, who was heralded as one of the strongest witnesses for the mine workers. had not occupied the stand many minutes before he aroused the ire of Judge Gray by statements that were conflicting and

McKelvy emphatically denied every question put to him by Mr. Lenahan, although the latter from his frequent reference to notes had substantial foundation for his queries. The witness admitted that he had made speeches to the strikers on several occasions although he was not a miner, but was at that time a Justice of the Peace

Cross-examination brought out the fact that, despite his r g it to exercise the functions of this office, ne had not punished one whom he knew to be guilty of violence. Several of the C mmissioners plied McFe v; with questions to his evident discomfiture He twisted and turned in his chair, but only plunged deeper in the mire. He tried to explain in a ten minutes' talk where he was when a man named Shike had been beaten by the crowd.

Finally Judge Gray said: Here, make a diagram of it."

At the conclusion the Judge threw his hands up and said: "All right. You can go. I give it up."

Under cross-examination by Lawyer Lenahan, M. K lvy said that he had gone over to Jeddo borough and had discovered a crowd there. He had received a letter from the traction company warning him that a breach of peace was contemplated. He had talked to the crowd and told them that they were acting contrary to John Mitchell's orders. Previous to this he had been going through Hazel township at 12 or 1 o'clock at night and had seen a crowd of men gather about.

They were in number sufficient to at tract your attention?" asked Mr. Lenahan.

And you went around from point to point-this was about 12 or 1 o'clck in the orning-advising these men to go home, did you not?"

"What did you say to them?" "I advised them to stay off company property and to molest no one.

You were there from 12 or 1 o'clock in the morning until 7 o'clock going around telling these people not to trespass upon the property of the companies, were you

"Yes, sir." "They were picketing-lying in wait for non-union men?"

"Were you also a picket?"

"No, I haven't been a picket since '97." Did you go to the Hazleton house with Gallagher and force all the servant girls to strike because non-union men were stopping there?"

"Didn't you hire an omnibus to take the girls away?"

"Yes, I hired a 'bus."
"Did you then, next day, go to the window of the Hazleton House and say to the girls, consisting as they did of the family of the proprietor of the place, 'You are a lot of damned scabs and you want to look out for yourselves?

"Don't you remember grabbing a boot-black and saying: 'Damn you, don't shine that fellow's shoes. He is a scab'?"

The cross-examination then turned upon connection with the Shike affair McKelvy's connection with the Shike affair. Shike, an old man, was beaten and stabbed by a mob of miners in Hazleton. McKelvy admitted that he had gone to Shike's house and warned his son not to work. John T.

"Now, squire, what business was that of I think it was everybody's business,

returned the Justice.

"Shike was badly beaten, was he not?" "Well, I don't think he was so badly

"You do not think that a man with ribe broken and two knife stabs in him was badly beaten?" witness was silent.

The witness was silent.

McKelvy said he knew many of Shike's assailants, but had not issued warrants for them. He reluctantly admitted that there had been a warrant issued for himself, spon which he was later held, charged with aggravated assault and battery. He admitted that Shike had denounced him as his assailant. He said Shike's wounds were only pin scratches, although they kept him in the hospital a month.

The witness denied that he had said

only pin scratches, although they kept him in the hospital a month.

The witness denied that he had said as Shike and Woodring, a deputy, came along: "There comes a 'scab' and a deputy, Don't let the dirty 'scab' go." No assault he had admitted, had been committed by any one until he had reached the place.

Here the witness was cross-examined by Judge Gray upon why as a Justice of the Peace he should have "paid his respects to the pickets." McKelvy wriggled for a while and finally the chairman dropped him in disgust.

him in disgust.

Later Judge Gray questioned him on the Shike matter. McKelvy said he saw the elder Shike coming down Broad street, He could not tell how he got into trouble unless some one told him his son was at-"What was going on when you got up to where the son was?"

"There was a sort of circle, as though the crowd was watching a rooster fight. I did not see Mr. Shike, but I saw the son, and I grabbed him, knowing him and knowing at the same time that he was working. I thought that was the cause of the trouble. So I grabbed him and pulled him off the pavement and told him to come with me and I would take care of him."

him."

McKelvy was urged by Judge Gray to tell just where he was standing and where he saw the younger Shike. He gave in ten minutes as many different places. Finally the chairman, disgusted, said:
"Give me a pencil, and I will have the witness make a little diagram. I want to understand this."

The witness draw a diagram as requested.

The witness drew a diagram as requested The witness arew a diagram as requested.
Then he said:
"The crowd with the son was there [indicating on diagram] No, here was the crowd with the son [indicating]. I was here [indicating] and ran up and pulled him out of the rowd and pulled him over here [ndicating]
"Then where were you after you pulled

"There (indicating). I stood right there
almost at one side of the son.
"Where was the old man?"
"He was right here" [indicating].
"In the crowd?"
"Yes."

About a dozen feet away from you?" "About ten feet away."
"What was the crowd doing to him, if anything?"
"I did not see the crowd strike him

"I did not see the crowd strike him. Shike was there before I was."

"I give it up," said Judge Gray in disgust.

"If he was there before you, how could you see him up here ['ndicating on the diagram'] running down the street with a club and a gun?"

McKelvey amid the laughter of the room started down from the stand.

started down from the stand.
"Wait a minute," said Commissioner I understood you to say that you ad-

vised these men to persuade the miners not to go to work?"
"Yes. I said if they wanted to argue they could."

"Yes. I said if they wanted to argue they could."
"I understood you to say that you advised them to tell these men not to go to work."
"I told them that if they wished to argue that was all right, but if they insisted on going to let them do so."
"Did you tell them to persuade the men not to go to work?" asked Judge Gray.
"No, sir, I told them they could argue with them."
"Did you tell them to argue with them?" asked Judge Gray.

"Did you tell them to argue with them?"
asked Judge Gray.
"I told them they could." I thought you said in your testimony that you told them to argue with them, said

You told them to argue with them, said Commissioner Parker.

Mrs. J. Pierpent Morgan was an interested spectator of the proceedings during the latter part of the morning session.

Mrs. Morgan is visiting Mrs. Edward Coles in this city and expressed a desire to see the workings of the court. The party, which included Mrs.St.George Tucker Campbell, her daughter, Mrs. Coles; Miss Caroline H. Davis and Sussex D. Davis arrived shortly after the proceedings began and ine H. Davis and Sussex D. Davis arrived shortly after the proceedings began and took seats in space reserved for counsel. When Judge Gray became aware of their presence, however, he invited them to share the platform. The visitors occupied chairs directly behind the C mmissioners. Judge Gray and Gen. Wisson frequently leaned back in their chairs and engaged in conversation with them.

Mrs. Morgan showed a lively interest in the voluminous questioning and cross-

in the voluminous questioning and cross-examination, and occasionally conversed with her companions. She scanned every

## No Bituminous Wage Agreement.

INDIANAPOLIS, Feb. 3.- The sub-com mittee of miners and mine operators, that is trying to reach a basis for wage agreement for the coming year in the bituminous districts, was in almost continuous session to-day, but when adjournment followed this evening it was given out that nothing had been accomplished.

Full Pay From P. R. R. While Employees Were on Military Duty.

PHILADELPHIA, Feb. 3.-The Pennsylvania Railroad to-day mailed checks to all imployees who served in the National Guard luring the coal strike. The checks are in full payment for the men's wages on the railroad during the time they were absent on duty. The Philadelphia regiments were

## PLAN FOR A NEW STATE. Slices of North Dakota and Montana Under

the Name of Montague.

St. PAUL, Feb. 3.-A movement is foot for the formation of a new State, to be called Montague. It would be made up of that part of Montana east of the Belt Mountains and that part of North Dakota west of the Missouri River. Glendive, being in the centre of this district, is the choice for the capital. The new State would have

the capital. The new State would have an area of about 18,000 square miles and is strictly a stock-growing district.

A meeting of Legislators from North Dakota and Montana has been held in Glendive and the project thoroughly discussed. The principal reason assigned for the proposed change is that the people of castern Montana are dissatisfied with corruption in the western part, while North ruption in the western part, while North Dakota men are disgusted with existing conditions in eastern North Dakota.

THE ART OF THE CHEF.

No Decline in It Shown at the Exhibition at the French Cooks' Ball.

French cooks held their thirtyeventh annual ball in Madison Square Garden last night. The Garden was decorated with French flags and a great throng rated with French flags and a great throng attended. There was the usual exhibition of the culinary art of the chefs, twenty-five pieces being displayed. That which attracted most attention was a model of the yacht Defender by André Hammerle, chef of the New York Yacht Club. Another big piece was "Neptune Presenting Venus to the World."

WOMAN'S SUICIDE BY HANGING. Ella Fisk Kills Herself in Her Boarding

Miss Ella M. Fisk, who boarded with dget Ryan at 152 West Ninetyseventh street, committed suicide last night by hanging herself from the hinge of the door to her room with a piece of rope. The body was taken charge of by Mrs. E. M. Gale of 391 Fifth avenue, who is said to be a relative and to have employed the

Discuss Blackwell's Island Bridge.

The committee of forty which for years has been working for a bridge across Blackwell's Island from Manhattan to Queens met last night in Astoria, L. I., to hear a report on the latest plans of the bridge. The report did not at all favor the Lindenthal idea and did not wholly favor that of thal idea and did not wholly favor that of Mavor Low's experts. It was suggested that by widening the first-floor plan of the latter to include foot paths it would be satisfactory. This would leave the railroad tracks overhead. A committee of five will call upon Mayor Low and urge him to have his experts conform their plans to the ideas of the citizens.

Elizabethan Drama Lapses for a While Mrs. Osborn's Playhouse, which Frank Lee Short leased for a revival of plays of the Elizabethan period, was closed last night. "Much Ado About Nothing" was night. "Much Ado About Nothing was produced on Monday night. Mr. Short says that the house will be reopened on a week from Friday with "A Woman Killed by Kindness." by Thomas Haywood, an old English playwight. Mr. Short says he will have two companies and that a different play will be produced every

The Maine Ordered to the West Indies? PHILADELPHIA. Feb. 3.-The new battleship Maine received orders to-day to proceed to Newport News on Thursday. There, after coaling, it was said at League Island Navy Yard to-day, the battleship will sail at once for the West Indies. Machinists will work day and night upon the Maire and the engineers have been ordered to have eight boilers ready for to-morrow

St. Louis Street Car Men's Wages Raised. St. Louis, Mo., Feb. 3.-To forestall possible trouble during the World's Fur year, the St. Louis Transit Company has voluntarily increased the salaries of all conductors and motormen, and also signed a five years agreement with the men. Dur-ing the fair they will receive 22 cents an

McLane-Greer.

Miss Mary Constance Greer was married esterday to Thomas S. McLane in St. Bar holomew's Church. Miss Daisy Greer, theride's sister; Miss Madeline Cutting, Adele Skiddy and Miss Crocker were bridesmaids. Guy R. McLane was the best men and Hamilton Stanton, John A. Gardiner. Edgar Seaman, Robert Gay, W. Rossiter Edgar Seaman, Robert Gay, W. Rossiter Betts, Morris Parke, George Scrieber and Dr. Philip Van Ingen were ushers.

The Rev. Dr. David H. Greer, rector of the church and father of the bride, performed the ceremony, and also gave his daughter away. She wore a white satin gown trimmed with duchesse lace, a tulle veil fastened with orange blossoms, and a pearl necklace, presented by the bridesroom. The bridesmaids were in white cloth with lace and maribou feather hats and carried bunches of red liberty roses.

feather hate and control feather hate and control feather had been a feer the ceremony the bridal party passed under an awning from the church to the rectory, where a reception was given by the bride's parents.

Goodyear-Akron Rubber Horse Shoe Pade will prevent slipping. Ask your shoer for the "Snow King" pad.—Ads.

COAT AND BOOT AWAIT CON MAN

WESTERN UNION BUILDING WEARY OF THIS SWINDLE.

Procession of Thievish Idiots Conducte Over the Premises by "Wiretap-pers" Getting to Be 2 Mutch-Fugittve Bunco Man in Shirt Sleeves

REWARD .- If the short gentleman with the Van dyke beard who was in such a hurry to leave the Western Union Building at 195 Broadway on Mon-day, Feb. 2, that he neglected to take with him his hat, coat and overcoat will communicate with the janitor of the building he will get his clothing and then be kicked down six flights of stairs. No questions asked.

This is not printed as an advertisement this morning so far as a SUN reporter could learn last night, but H. E. Roberts, agent for the Western Union Building, and Big Bill Ludding, the janitor, said last night that it expressed their sentiments.

The short gentleman with the Vardyke beard is one of a number of confidence gentlemen who have been plying their trade in the Western Union Building lately The short gentleman's companion is a tall man who is as big as Big Bill Ludding, and that's saying a good deal.

These confidence men always pretend to their victims that they are in the wiretapping game. Probably in 999 cases out of 1,000 they don't know a Morse "e" from a dry battery. They select the Western Union Building because it lends reality to

their stage setting.
On Friday of last week the little man brought a victim into the building and took him up to the sixth floor, where the general offices of the telegraph company are. Just about the time the two came up the tall man walked out of the toilet room in the hall. He was in his shirt sleeves had a pen back of his ear and wore a little had a pen back of his ear and wore a little black cap. As the short man and the dupe walked through the hall the tall man walked over to the door of the telegraph company's office. He had just put his hand on the door knob when the short man hailed him.

"Oh, Bill," said the short man, "here's a friend of mine who wants to talk business with you."

"I can't talk business here," said the tall man, "but I'll meet you around the corner in ten minutes when I get my hat and coat on."

and coat on."

The short man then led the dupe away. The tail man, instead of going into the Western Union office, as might have been expected, waited until the victim was out of sight and then went back to the toilet room, from which he emerged a minute later with hat, coat and overcoat all on.

Bill Judding the ienter way just enough Bill Ludding, the janitor, saw just enough of this little game to be satisfied that it wasn't quite right. A conference with Mr. Roberts convinced him.

On Monday the two con men reappeared. This time however, it was the short man that personated one of the Western Union men and it was the tall man who I rought in the dupe. How much they skinned the other fellow out of on Friday you'll have other fellow out of the total to ask him.

The minute the short man left the toilet room on Monday Bill Ludding went in and grabbed the hat, cost and overcoat props. All of these he put in a safe place props. When waited developments. When

and grabbed the hat, cost and overcoat props. All of these he put in a safe place and then he awaited developments. When the dupe was led away the short man went back for his clothes, but he didn't get them. He met Mr. Ludding near the door.

"Somebody's stolen my hat and my coat and my overcoat," said the short man, with a tug at his Vandyke.

"I'm the janitor of this building," said Mr. Ludding sweetly. "Guess you don't belong here."

The man with the Vandyke made a dash for the elevator and was last seen running down Broadway hatless and coatless.

"We don't want his coats and hat," said Mr. Roberts yesterday. "They are right here in my office and the owner can have them whenever he is inclined to call for them. I found 73 cents in his pocket, but no cards. Let me tell you, though, that if either of those fellows ever comes here again Mr. Ludding will kick him down all the six flights and into the street. It is no use to arrest these fellows, for they can squirm out too easily. We are just going to kick them."

CANAL AND ROADS TO WIN OUT. Favorable Legislation for Both Great \$500 allowed annually for expenses.

Improvements. ALBANY, Feb. 3.—Developments in the situation here render possible the almost positive statement that there will be legislation passed at the present session along one line or another providing for the submission to the people next fall of the 1000-ton barge canal improvement and for the issuance of \$50,000,000 in bonds for

good roads in a way yet to be decided upon. The Governor's declaration to-day in favor of both the good roads and canal improvement propositions and for action upon them by the present Legislature was occasioned by the statement before a joint neeting of the canal committees of the Senate and Assembly on the canal im-

provement bills which was made by John I. Platt of Poughkeepsie.

Mr. Platt said he was a member of the committee on resolutions at the last Republican State convention which drew up the platform and it was a mistaken idea that the Republican party had pledged teelf to the thousand-ton-barge cana.

scheme. He also said:
"I called on the Governor while he was
preparing his message to the Legislature
and asked him if we would have to fight him and asked him if we would have to fight him as well as the canal improvement people. He agreed to let the canal proposition alone and permit a fight in the Legislature on the question on its merits."

These statements of Mr. Platt created consternation in the committee room. Aside from the prominent members of the Legislature who favor canal improvement, there were present representatives of commercial interests from New York

Legislature who favor canal improvement, there were present representatives of commercial interests from New York and Buffalo and other sections of the State in favor of the bill. Among them were George Clinton, Major Thomas W. Symonds and George W. Raymond of Buffalo, Gustav H. Schwab, representing the Canal Association of Greater New York; President Clarence Whitman of the Merchants' Association, and Capt. William E. Cleary of New York city.

Of course the friends of the canal wanted to hear from the Governor after Mr. Platt's astonishing statements. The Governor laughed at the construction Mr. Platt put upon the interview he had with the Governor. After thinking about it for a manute or two the Governor had this to say:

"I believe the Republican party is pledged in its platform to canal improvements, and I shall do my utmost to see that the pledge is fulfilled. If I said anything at all to Mr. Platt upon the subject it was what I always say when questioned in regard to matters of legislation, and that is that I always make it a rule not to interfere with legislative matters. It is time enough for me to act upon them when they reach me."

me."
There was no opposition to the canalimprovement scheme of any moment expressed at the hearing, and long arguments were made in its favor.

BARBER'S ITCH IN EVIDENCE. Afflicted Legislators Appear as Argument

for New Law. ALBANY, Feb. 3.- Exhibits of the dangers of unclean and unsanitary barber shops were seen by members of the Assembly General Laws Committee to-day. They were in the stape of several members of the Assembly who are afflicted with barber's

They were present to urge favorable consideration of the bill providing for a State board of examining barbers to be appointed by the Governor and to inspect the sanitary conditions of every barber shop. The master barbers favor the bill, but the journeymen barbers' union opposes it. One of the afflicted legislators said he got his itch in the shop of one of the leading promoters and advocates of the bill.

LANDON AND HIS PASS. Trouble Found With All Measures That

Bear His Name. ALBANY, Feb. 3.-While no one seems to want to give that impression, yet the members of the Assembly are taking pains to get even with Assemblyman Landon of Dutchess for going to the Attorney-Gereral to have him decide whether he had a right to accept a Pullman company pass.

They have suddenly taken a great inter est in all legislation that bears his rame and to-day when a bill authorizing High way Commissioners to hire their own horses and wagons on the highways came up of the order of second reading in the Assem bly it was discovered that this was a very dargerous bill.

Not a member helped Mr. Landon out and the members of the majority agreed with Minority Leader Palmer that there was something amiss with the bill. It was ecommitted to committee without a vote in opposition. If it comes before the House again a motion is to be made to refer it t the Attorney-General to pass upon its Constitutionality.

Mr. Landon, however, is not the only member who went to the Attornev-General to learn if he had a right to a Pullman pass. A New York city member, Mr. Clark, had received such a pass and asked the Attorney General about it. The Attorney-General told him to wait until he had passed upon Mr. Landon's application for an opinion.

In the meantime Mr. Clark had used the pass to and from New York, but his conscience troubled him and before the opinion was made public he had returned the pass and sent a check for \$2 for his passage in a parlor car.

Mr. Landen's opinion recalls the first time the Pullman Palace Car Company asked for legislation after the consolidation with the Wagner company. A bill was before the Assembly giving the cumany the right to sell liquors in this State in its cars. The day the bill came up every member received an envelope containing a pass. member who went to the Attorney-Genera

A pass.

Some member asked why the bill should be passed and what reason there was for it. The famous Col. "Paddy" Roche jumped to his feet and loudly exclaimed: "Mr. Speaker, there are 150 reasons why this bill should pass." the number of members in th

GROUT ON SINKING FUND BILL Urges Favorable Consideration or

Legislative Committee. ALBANY, Feb. 3.-Comptroller Edward M. Grout appeared before the Senate and Assembly Cities committees to-day and urged the favorable consideration of the bill embracing his new city sinking funds scheme, whereby he says the taxpayers will be relieved from paying over \$300,000. 000 to the various sinking funds during the next thirty years and thereby wi be effected a saving in taxes each to the extent of from \$8,000,000 to \$10,000,000 He insisted the adoption of his plan would in no way affect the value of the city's bonds and of the many who opposed the scheme

when first promulgated all but six now support the proposition.

He said the enactment of the bill would mean the immediate reduction of each tax bill in New York city of 15 points or on tax bill in New 15th City of 15 points of on a percentage basis a reduction of 10 percent in the tax bills for 1903.

Comptroller Grout also addressed the committees on other bills affecting his department, including the one changing the time for the payment of the annual taxes from October to January and the bill reducing the annual school tax from four ducing the annual school tax from four to three mills. Neither committee acted on the bills

NOMINATED BY GOV. ODELL. J. P. Jacokel Succeeds Lispenard Stewart

on Prison Com ALBANY, Feb. 3 .- Gov. Odell sent a number of appointments to the State Senate to-day. All of the nominations were referred, with the exception of that of Theodore H. Swift of St. Lawrence county, to be a Judge of the State Court of Claims This nomination was confirmed. The term is for six years and the salary is \$5,000 and

The Governor's personal friend, Charles Spencer Boyd of New York city, was reappointed State Superintendent of Public Works, to serve for two years, at a salary of \$6,000, and \$2,500 allowed annually for ex-

Senator John Raines's personal repre sentative on the State Commission in Lunacy, William L. Parkhurst of Canan-daigua, also was reappointed for a term of six years at a salary of \$5,000 and \$1,200 Harry H. Bender of Albany was named

Harry H. Bender of Albany was named as State Fiscal Supervisor. The term is for five years and the salary is \$0,000.

Former State Treasurer John P. Jaeckel of Auburn was nominated to succeed Liapenard Stewart of New York city as president of the State Prison Commission for a term of four years at a salary of \$2,500.

Daniel S. Pell of City Island was reappointed as Hell Gate pilot; Henry Melville of New York City, as a manager of the Elmira State Reformatory, and John Seeley Ward of New York city and Dr. Willis G. McDonuld of Albany, as trustees of the State Tuberculosis Hospital in the Adirondacks.

IN THE LEGISLATURE. Metealf Introduces a Bill to Stop Police

Blackmall. ALBANY, N. Y., Feb. 3 .- A bill the aim o which is to put an end to the system of levying blackmail by the police of New York city has been introduced by Assembly-man Metcalf. The bill amends the section of the charter relating to the duties of the Police Department by eliminating the provision requiring the policemen to "inspect"

houses of ill repute, dance halls, suspicious places and gambling houses.

Assemblyman A. J. Daye introduced a bill authorizing the New York city Park a bill authorizing the New York city Park Commissioner to set aside a part of the Battery Park for use as a tasetall grounds and athletic field.

Senator Raines to-day introduced bills following out the recommendations of the State Civil Service Commission contained in its annual report to the Legislature by providing that the State or a local civil service commission need only certify to a payroll when it is made in accordance with the rules of the commission. Another makes the decision of the commission final in each claim for exemption from the rules of the Covernor, so that there will be no review by the courts.

RAILROAD IN ERIE CANAL.

J. H. Ehrehart Would Run Electric Freight Line Across State.

ALBANY, Feb. 3.- Now that Assemblyman Hooker of Genesce has suggested the abandonment of the Eric Canal and the abandonment of the Eric Canal and the substitution of a four-track steam railroad along its bed between Albany and Buñalo, other schemes for utilizing the Eric Canal are brought forward. Mr. J. H. Ehrehart, the chief appraiser of special franchises in the State Tax Commission, who has had charge of much railroad construction work, believes that an electric freight railroad along the bed of the canal from Biffalo to Albany and then on to New York, at an estimated cost of \$100,000,000, would be the proper solution of the problem of restoring commerce to the port of

would be the proper solution of the problem of restoring commerce to the port of New York.

A railroad on the canal right of way would traverse the entire State without a grade crossing, and by constructing a tunnel four miles long southeast of Schenectady, freight could be hauled from Buffalo to New York and raised less than fifty feet in the entire distance, and part of this amount of elevation would be required to modify the grades in Rochester, Syracuse and Utica. The State owns admirable terminal facilities in the city of Buffalo

LESLIE W. RUSSELL DEAD.

EX-JUDGE, ATTORNEY-GENERAL AND CONGRESSMAN.

e of the Foremost Lawyers of His Time and an Equally Famous Jurist-Death Comes Suddenly, as He Seemed to Be Recovering From Prolonged Illness.

of the Supreme Court of this State, ex-Member of Congress and at one time Attorney-General, died suddenly yesterday morning at 620 West End avenue, where he had been making his home with his son-in-law and law partner, Clifford W. Hartridge. Judge Russell had been confined to the house for the last six weeks with asthma complicated with bronchitis. He had been getting better, however, and when his son Robert Russell and Mr. Hartridge came

downtown yesterday morning they reported

at the office that the Judge was much better.

At 10:30 o'clock news of his death was re-

Leslie Wead Russell, for ten years Justice

ceived. His heart is thought to have been weakened by the asthmatic attacks. Besides his son Robert, who is employed in his father's office, Judge Russell leaves a widow, Mrs. Harriett Lawrence Russell a married son, Lawrence Russell, who lives at Canton, N. Y., and two daughters, Harriett Russell and Mrs. Hartridge.

Judge Russell was born in Malone, N. Y., nearly 62 years ago. He was the son of John Leslie Russell, .. prominent lawyer of his time, and a leader in public affairs in the northern part of the State. The greater part of Judge Russell's life was spent in Canton, N. Y. He began the study of law at the age of 18 in the offices of Hill, Cagger & Porter. In 1861 he was admitted to the bar and at 29 he was District Attorney of his native county. Eight years later he was appointed County Judge and soon after the his appointment to bench he became a member of the State Board of Regents. From 1881 to 1883 he filled the office of Attorney-General and then began the practice of law in New York city, where he made a reputation which put him among the leading members of the bar.

He was one of the counsel for Judge Hilton in the Stewart will case, being average of the counsel for Judge will be the stewart will case, being average to the counsel for Judge Hilton in the Stewart will case, being average to the counsel for Judge and the stewart will case, being average to the counsel for Judge and the stewart will case, being average to the counsel for Judge and the stewart will case, being average to the counsel for Judge and the stewart will case. to the bar and at 29 he was District At-

He was one of the counsel for Judge Hilton in the Stewart will case, being ar-sociated with Roscoe Conkling, Elihu Root and other well-known lawyers. It was Judge Russell who brought out in the trial the existence of an agreement between the existence of an agreement between the heirs to ratify certain clauses of the will and repudiate others. Judge Russell contended that the contestants were de-barred from disputing any of the pro-visious of the will, since they had ratified part of it. His contention was recognized by the Surrogate and Judge Hilton's case

In 1891 Judge Russell was elected to Con-gress, but his term was ended immediately by his unanimous nomination by both political parties for Justice of the Supreme During his first year on the Suprem During his first year on the Supreme Court bench he was assigned to duties in New York city and the Appellate Division afterward enlarged his assignments, so that he sat in Special Term and Equity parts for about one-half of the court year. Last October he resigned from the bench to come to New York and here he resumed his law practice. He was to have appeared as counsel for W. S. Devery in his proceedings against Tammany Hall, but was prevented by his illness.

ROBT. EMMET ROBINSON DEAD. In His Law Office of Heart Disease-The Body Kept There Over Night.

of the law firm of Emmet & Robinson, died rather suddenly yesterday afternoon in the offices of the firm, in the National Cry Bank building, at 52 Wall street. Mr. Robinson had put on his things preparing to start for his home, which was at West New Brighton, Staten Island, when he ill. His son. Beverley W. Robinson, and one of his parners, W. T. Emmet, were with him, and they immediately sent for Dr. W. E.

Robert Emmet Robinson, senior member

Life Insurance Company. Dr. Porter nurried to Mr. Robinson's office, but Mr. Robinson died about 6 o'clock, an hour after the attack. His death was due to heart The body remained in the office last

Porter, one of the examiners of the Mutua!

night. It will be removed to Staten Island this morning. Mr. Beverley W. Robinson remained with it.
Mr. Robinson was 60 years old and was born in Jamaica, L. I. He was a descendant born in Jamaica, L. I. He was a descendant of the well-known Colonial family of the name. Mr. Robinson was a graduate of Columbia and became a member of the firm of Emmet & Robinson many years ago. For thirty years the firm has had offices at 52 Wall street. Real estate law was their specialty. Mr. Robinson was counsel for the New York Life Insurance and Trust Company. He leaves a widow and a married daughter.

Obliuary Notes.

Col. Ira Ayer, the oldest special Treasury agent in the Government service, died suddenly of apoplexy yesterday morning at his home, 37 Cambridge place, Brooklyn. He was stricken while dressing for breakfast. Col. Ayer was born in Evans, Erie county, 67 years ago. At the outbreak of the Civil War he went to the front as captain of a company of students. He served all through the war and at its close he was Colonel of the Tenth Pennsylvania Reserves. He was appointed a special Treasury agent by President Grant and held the place continuously until the close of his life, serving at Baltimore, Norfolk, San Francisco, Richmond and New York. He was a member of the U. S. Grant Post, G. A. R., and the American Legion of Honor. He leaves a widow, a son, who is a Captain in the United States Army, serving at Manila, and five daughters. The funeral services will be held at the house to-morrow evening.

evening.

Capt. John Carroll, who was buried yesterday from his home at 178 Prospect Park West, Brooklyn, had been an inspector in the Custom House for twenty-five years, the served all through the Civil War with the Seventy-fifth Regiment. Two daughters survive him.

H. Wood Sullivan, a member of the firm of Blumenthal & Co., leather merchants, died yesterday at his home, 131 Lincoln road, Brooklyn, after a short illness. He was well known in the Flatbush district and was former president of the Midwood Club. He leaves a widow and three daughters. George A. Fisher of the law firm of Fisher & Fisher of Boston died at his home, in Mattapan, Moss, on Monday, aged 22. He was a graduate of Harvard University and the Harvard I w school. He was a member of the Ancients.

Gov. Long Improves. BOSTON, Feb 3 .- Gov. Long continues o improve.

SOUND AS A DOLLAR

That is the result of a course of treatment with Scott's Emulsion. We have special reference to persons with weak lungs and sensitive throats.

Scott's Emulsion does some things better than others. This is one of them. It has a peculiar action on the throat and lungs which gives them strengthand makes them tough.

That's how Scott's Emulsion drives out coughs, colds and bronchitis. It keeps them out,

We'll send you a little to try, if you like. SCOTT & BOWNE, 409 Pearl street, New York

AS TO POST OFFICE SITE. The Commission Finds Out That Its Powers

Are Limited. Washington, Feb. 3.—The commission consisting of the Attorney-General, the Secretary of the Treasury and the Postmaster-General, which was designated by congress to select a site for the proposed new Post Office building in New York, i very much dissatisfied with the terms of he law under which they are to act.

It was at first thought that the law was inusually broad and sweeping in its terms and gave ample authority to the commission for the exercise of plenary power n securing an option on a desirable site. he institution of condemnation proceedngs and the final purchase of the desired olot of ground. But after examination by the Attorneyeneral it was found that the law does none

aving been care essly framed, and that nstead of vesting in the commission the ower to carry out its intent, it is practically worthless.

The law places no appropriation at the disposal of the commission and consequently no steps can be taken. As one

of these things; that it shows evidence of

of the members of the commission remarked to-day:

"If we were offered an option on a desirable site for the large sum of \$1 we should be obliged to refuse." The only thing the commission can do is to recommend to Congress that this or that site is well adapted for the purpose of the new Post Office.

As a result of the unfortunate situation he commission has spent very little time since it returned from New York last week n considering the various sites offered It is known, however, that a selection has been narrowed down to four—all in the district bounded by Thirty-fourth street Forty-second street and Eighth avenue

STATEHOOD BILL COMPROMISE. It Is Said That One Has Been Reached, but

Leaders Deny It. WASHINGTON, Feb. 3.-Persistent reports vere in circulation to-day to the effect that a compromise was in sight in the Statehood ssue. The leaders of both sides, however, denied positively that a compromise s being considered.

One plan proposed is to admit Oklahoma and Indian Territory as one State and New Mexico as another, with a cold rumb of comfort for Arizona in the shape of a proviso that she should be admitted when her population reached, say, 300,000. when her population reached, say, 300,000. Such a compromise, it was said, would be satisfactory to Mr. Quay, whose only desire is to secure Statehood for New Mexico, and it would also be satisfactory to the Republican side, as it would preserve the present equilibrium of the Senate. But the Democratic Senators, who have he dout persistently in the hope of gaining two Senators more than the Republicans, are strongly opposed to the compromise.

Mr. Quay intimated to the Senate Committee on Agriculture to-day that he might

Mr. Quay intimated to the Senate Committee on Agriculture to-day that he might want to make some changes in his Statehood amendment to the Agricultural Appropriation bill and the committee gave him until Friday to make up his mind. The change in contemplation may be the compromise that may be perfected to be substituted for the Committee Lill. That the leaders of the Senate are not particularly disturbed by Senator Quay's

particularly disturbed by Senator Quay we manœuvres is proved by the fact that bill after bill slips through the hopper every day while he closes one eye.

Nothing of real importance is now held back by the Statehood "fight" except the appropriation bills, which, of course, Mr. Quay could not defeat if he would and would not defeat if he could.

FAVORABLE TO CANAL TREATY. Only Morgan Against It in Committee -To Make His Fight in Senate. WASHINGTON, Feb. 3 .- The Senate Com-

were made by the committee, those offered w Mr. Morgan being voted down. The treaty was reported to the Senate by Chairman Cullom in the executive ses-sion held later in the day and Mr. Morgan presented his numerous amendments e shape of a minority report signed

him alone ALASKA TREATY CRITICISED. Senators Pick Flaws in Translation of Three French Clauses.

WASHINGTON, Feb. 3.—The Alaskan boundary treaty was the subject of a brief discussion in the executive session of the Senate to-day. Some opposition to it was developed on the part of Senators Teller and Turner. The three quoted articles, which are in French, were referred to and some criticism was made with regard to the translation which had been furnished.

Opposition to the Cuban Treaty. WASHINGTON, Feb. 3.-The opposiion to the Cuban treaty is growing and there are now three Republican Senators, two from California and one from Nebraska, who are openly opposed to it. Opposition crops out daily from unexepected ouarters, and although the President is doing everything in his power to impress upon the Senators the importance and justice of ratifying the convention, it is apparent that he is not making any decided headway.

Philippines Officer Missing.

WASHINGTON, Feb. 3.-Gen. Davis cables he War Department from Manila of the mysterious disappearance of Lieut. Edwin E. Carroll, First infantry. It is thought he may have fallen overboard from the steamer Itadon in going from Manila to

WOMAN'S HOSPITAL DEBT FREE \$45,000 Has Been Raised and Membership Increased to 400.

At the monthly meeting of the Hospital Guild of the New York Medical College and Hospital for Women, held last night at the home of Mrs. George W. Roberts, 170 West Fifth-ninth street, the announcement was made that enough money had been raised to cancel the hospital's floating debt of \$45,000. The guild has been working for three years to raise this amount. Its success is due largely to William Ziegler, who recently chered \$7,000 on condition that the remaining \$13,000 needed to raise the debt be found. The guild's membership, it was also announced, has increased materially in the last year, and is now 400. ially in the last year, and is now 400

George Gould Buys the Emerald. Shortly after the turbine yacht Fmerald was launched George J. Gould arranged to charter her for the season. The Yachting World says that "since the charter was arranged Mr. Gould has obtained further par-ticulars of the yacht, especially with regard coulars of the yacht, especially with regard to her equipment and her powers of fast teaming. These particulars impressed him to favorably that he has since been in communication with Sir Christopher Furness, with the object of inducing him to sell, and as a result of the negotiations he has now become the owner of the yacht."

According to this paper, the Emerald on her first trial, when the engines were working stiff and new and without any special driving, lid 20 knots an hour.

Yale's Juntor Promenade.

NEW HAVEN, Feb. 3.-The Yale Junior Prom was held in the Second Regiment a mory to-night and was attended by 2,500 people, including President Hadley of the

university.

The promenade was led by Charles Edward Adams of Toledo with Miss Ruth Cheney of Manchester. Cann.

THE OLD RELIABLE

**WOMAN'S HOTEL NEARLY READY** 

THERE IS NO SUBSTITUTE

REGULARS" MAY LIVE THERE FOR \$9 TO \$23 WEEKLY.

the Stenographers. Bookkeepers and Teachers for Whom It Is Intended Must Farn Good Salaries 500 Applicants Aiready Though, 200 Walting.

After Feb. 15 women who would like o stop at a hotel in this city but don't want to be bothered by the presence of men may be accommodated at the Martha Washington, a new hostelry which has been put up by a stock company at 29 East Twenty-ninth street for the use of women exclusively. It was informally opened for inspection yesterday, but will not be

ready for business for two weeks. It is a twelve-story light brick and stone structure, with a 75-foot frontage, and extends through to Thirtieth street. It will accommodate 750 women and has been

built at a cost of about \$800,000. The company which owns and will operate the hotel is composed largely of women. some of them self-supporting, although several wealthy men are also interested The company was incorporated in this State two years ago to furnish comfortable quarters for New York's self-supporting women at a price which will be reasonable but which will at the same time pay fair interest to the investors.

Of the 750 boarders who can be accommodated, 500 will be "regulars." That number has, according to Manager Case, already engaged apartments and he says there is also a waiting list of 200 names Single rooms and suites have been rented to these at prices ranging from \$3 to \$17 a week. Meals will be furnished at \$6 a week, although a regular guest may have a room in the hotel and not take all her meals there. Those who have engaged meals there. Indeed, the manager says, are all women who are self-dependent—teachers, bookkeepers, stenographers, musicians, artists, writers, nurses, physicians and other professional women.

The 150 rooms left after the 500 regular teachers, are cared for will be used for

The 150 rooms left after the 500 regular boarders are cared for will be used for transients. The rates for them will range from \$1 to \$3.50 a day.

The hotel is fitted with all modern conveniences. The first floor is taken up by the office and a restaurant. The latter will be open for men as well as women, but that will be the only department of the hotel which can be used by men. The regular dining room and the private parlors and reception rooms are on the second floor. reception rooms are on the second floor.

The help in the house also will be for the nittee on Foreign Relations to-day ordered most part composed of women. Therewas talk of having girl "bellboys," but that plan favorable report on the Panama Canal reaty. No amendments to the treaty was given up as impracticable. No spirits or liquors will be served. If the Martha Washington proves a success, the corpora-tion which owns it will erect other similar

> A Loving Cup to Dr. W. W. Walker. About one hundred friends, members of the Lotos Club, gave a dinner in honor

of Dr. William Wallace Walker, at the clubhouse last evening. The Lotos dining room was banked solidly with flowers and after the dinner there was an entertainment the dinner there was an entertainment. Toward the conclusion a massive loving cup was presented to Dr. Walker. Frank R. Lawrence, president of the club, presided. Among those present were William Henry White, George H. Daniels, S. G. Perry, Charles W. Price, Robert B. Roosevelt, William T. Evans, George Inness, Jr., J. Harsen Rhoades, F. W. Kost, John H. H. Headley J. Harsen Rhoades, F. W. Elderkin and J. H. Hoadley

No one who knows anything about good whiskey, and likes Irish Whiskey, would ever think of ordering anything but John Jameson Three \*\* \* Sur

W. A. Taylor & Co., Agents, 29 B'way, N. T. SPECIAL NOTICES.

Irish Whiskey

As a dressing and color restorer, PARKER'S HAIR BALSAM never fails to satisfy.
HINDERCORNS, the best cure for corns. 15cts.

McLANE-GREER.-On Tuesday, Feb. 3, 1908, in

MARRIED.

St. Bartholomew's Church, by the Rev. Dr. David H. Greer, Thomas Sabine McLane to Mary Constance Greer, both of New York. DIED.

RANFORD-On Monday, Peb. 2, at his residence

at Wakefeld, New York etty, John P. Cran-ford, in the 78th year of his age. Funeral service at the residence of his son, Fred

L. Cranford, 479 Clinton av., near lighton st. Brooklyn, on Thursday at P.A. M. Interment at convenience of family. Kindly omit flowers. HAYES. At Newark on Feb. 2, Henry Hayes. Funeral at Grace Church, Newark, on Thursday. Feb. 5. at 11 o'clock.

LOUNSBERY .- At her residence, Bedford, West

chester county, N. Y., of pneumonia, in her bisi year. Ann Phillips Rundle, widow of James Church, Bedford, Thursday, Feb. 5, 11:30 A. M. Carriages will meet train leaving Grand Co. tral Depot, Harlem division, at 9.08 A., M. Returning leaves Bedford, 1:06 P. M.

AISLEY. Suddenly on Sunday, Feb. 1, 1903, at his residence, Mount Vernen, N. Y., Joseph E. Paisley, aged 41 years. Funeral services will be held at his late residence, 280 Rich av., Mount Vernon, Wednesday, Fe o 4, at 2 o'clock P. M. Carriages will be in wait ing on arrival of train leaving Grand Central

Station, N. H. R. R., at 1304 P. M. SMITH.—At Tempa, Fla., Anna A. Smith, widow of Edward Smith. Remains will arrive in New York on Wednesday, Feb. 4, at 3 P. M. Funeral from her late residence at 154 Greenwich st., on Friday, Feb. 6. Requiem mass at St. Peter's Church, Barelay St., at 10 A. M. Inter ment in Calvary Cemetery

BUSINESS PERSONALS.

W. E. CURRY - Communicate Min SACK